

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDY SMITH,

Petitioner,

v.

STEVEN SINCLAIR,

Respondent.

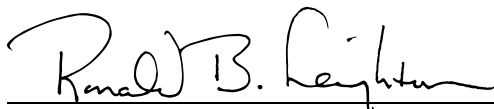
No. C09-5766 RBL/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the petition for writ of habeas corpus, the response, the Amended Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation [Dkt. #17], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's motion to dismiss (Dkt. 12) is **GRANTED** and Petitioner's writ of habeas corpus (Dkt. 5) is **DISMISSED WITH PREJUDICE as time-barred based on 28 U.S.C. § 2244(d)**;
- (3) The Court declines to issue a Certificate of Appealability; and
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent and to the Hon. Karen L. Strombom.

DATED this 17th day of May, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE